

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Helena FWP Headquarters – 1420 East 6<sup>th</sup> Avenue**  
**Helena, MT 59620**

**JANUARY 18, 2006**

**Commission Members Present:** Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton; Vic Workman.

**Fish, Wildlife & Parks Staff Present:** Chris Smith, Chief of Staff, and FWP Staff.

**Guests:** See January 18, 2006 Commission file folder.

**Topics of Discussion:**

- 1. Opening - Pledge of Allegiance**
- 2. Approval of December 8, 2005 Commission Minutes**
- 3. Approval of Commission Expenses through December 31, 2005**
- 4. Establish Meeting Date for March, 2006 Commission Meeting**
- 5. Paradise FAS Acquisition Along Clark Fork River - Endorsement**
- 6. Acquisition of Black Bridge Property on Yellowstone River at Glendive – Endorsement**
- 7. Flathead Reservation Fishing, Bird Hunting, and Recreation Regulations - Final**
- 8. DNRC Land Exchange in Bitterroot WMA near Sula – Endorsement**
- 9. Selection of Regional Supervisors & Information Services Division Administrator**
- 10. Agency Budget and Legislative Priorities - Endorsement**
- 11. Public Opportunity to Address Issues Not Discussed at this Meeting**

**1. Opening - Pledge of Allegiance.** Chairman Doherty called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

**2. Approval of December 8, 2005 Commission Minutes.**

*Action: Workman moved and Colton seconded the motion to approve the minutes of the December 8, 2005 Commission meeting with some clarification edits by Mulligan relative to comments he had made. (The substance of the discussions was not compromised). Motion carried.*

**3. Approval of Commission Expenses through December 31, 2005.**

*Action: Mulligan moved and Brenden seconded the motion to approve the Commission expenses as presented. Motion carried.*

**4. Establish Meeting Date for March, 2006 Commission Meeting.** Following a brief discussion, it was unanimously agreed to hold the March Commission conference call meeting on Monday, March 20, 2006 at 9:00 a.m.

**5. Paradise FAS Acquisition Along Clark Fork River - Endorsement.** **Chris Hunter, FWP Fisheries Division Administrator**, said FWP Regions 1 and 2 have been working on developing fishing access sites along the Flathead River below Kerr Dam, and along the Clark Fork River between Missoula and Thompson Falls. There are some sites on the Clark Fork, however there are large gaps between them. Bridger Biscoff, the landowner, has expressed interest in negotiating an agreement on this 5-acre parcel, approximately 1.5 miles downstream from the confluence of the Clark Fork River and the Flathead River, near Paradise, Montana.

This proposed site would also serve as a take-out location from the new Robertson Creek site on the lower Flathead River located less than 4 miles upstream from the confluence. The Flathead River, downstream from Kerr Dam, provides excellent northern pike and smallmouth bass fishing opportunities. The Clark Fork River is a popular rainbow and cutthroat trout fishery, especially upstream of the confluence of the Flathead River. The Clark Fork River between the confluence of the Bitterroot and Flathead rivers received 64,917 angler days of pressure in 2003 and ranked 6<sup>th</sup> in the state for angling pressure.

A primitive boat access site is available at a Forest Service Campground on the Clark Fork River upstream from this proposed site, and an improved access site exists at the Forest Service Ferry Landing site, about 11.7 miles upstream of the proposed Paradise site on the Clark Fork River. Boat access is also available at the newly acquired Robertson Creek site about 5.4 miles upstream on the Flathead River, and 7.1 miles downstream on the Clark Fork River.

*Action: Workman moved and Mulligan seconded the motion to direct FWP to pursue negotiations with Bridger Bischoff to establish a fishing access site near Paradise, Montana.*

Brenden asked for a ballpark figure on the cost of this acquisition. Hunter said it would be in the \$150,000 range.

*Action on Motion: Motion carried.*

**6. Acquisition of Black Bridge Property on Yellowstone River at Glendive – Endorsement.** **Chris Hunter, FWP Fisheries Division Administrator**, said this 70-acre parcel, with ¾ mile of river frontage, is located along the Yellowstone River at Glendive. It consists of a stand of cottonwood trees, a large hay meadow, and a site ideal for the development of a boat launch. This Black Bridge FAS would be the only fishing access site in the 53-mile section of Yellowstone River from Fallon to Intake.

The landowner is very supportive of public access, and has worked cooperatively with the Glendive Chapter of Walleyes Unlimited by providing time for public acquisition, and by offering the property at a less-than-market value. Walleyes Unlimited provided \$5,000 in earnest money to hold the property, and the Montana Fish & Wildlife Conservation Trust approved Walleyes Unlimited's grant request for an additional \$60,000 to complete the purchase. MFWCT stipulated that FWP should manage the property.

Colton asked if hunting would be allowed on the property. **Hugh Zackheim, FWP Land Agent**, said that possibility is being considered. Chris Smith noted that a few years ago the Commission addressed hunting in parks and fishing access sites, and the general rule is that hunting is closed unless it is a large enough area that it will not conflict with other uses, or the location restricts firearms. Colton added that he knows there is hunting on the other side of the river.

*Action: Colton moved and Workman seconded the motion to direct FWP to continue negotiations on the acquisition of the proposed Black Bridge Fishing Access Site on the Yellowstone River near Glendive.*

Brenden asked about the cost of the acquisition. Hunter stated the cost is \$65,000, depending on appraisal.

*Action on Motion: Motion carried.*

**7. Flathead Reservation Fishing, Bird Hunting, and Recreation Regulations – Final. Jim Satterfield, FWP Region 1 Supervisor**, explained that the State Tribal Agreement dictates the management of hunting regulations & fees for non-tribal members via the Flathead Reservation Fish & Wildlife Board. The Board annually recommends season types and license fee adjustments for non-enrolled members of the tribe. Part of the Agreement is to bring the recommendations to the FWP Commission for concurrence.

Monies generated from license sales on the Flathead Reservation are used for natural resource management to enhance recreational opportunities under the State Tribal Agreement. This fee increase was recommended by the Flathead Reservation Fish & Wildlife Board and approved, based on public comments and review by technical committees, by the Confederated Salish & Kootenai Tribal Council on November 28, 2005.

Brenden asked if these regulations are for everyone or just for non-tribal sportsmen. Satterfield replied that they are for non-tribal folks only. Brenden asked if tribal member have to pay any fees. Satterfield said he is not familiar with their structure, but believes they do. He emphasized these regulations before the Commission today are for non-enrolled members.

Brenden expressed frustration that FWP has no say in how the monies are spent, and stated that it is a discrimination situation when non-enrolled members have to pay a fee. Satterfield reiterated that the money from license sales goes toward resource management and recreational opportunities.

*Action: Workman moved and Colton seconded the motion to approve the fee increase for non-tribal members that hunt under the State Tribal Agreement on the Flathead Reservation as recommended by the Flathead Reservation Fish & Wildlife Board. Motion carried. Four in favor - one opposed. (Brenden opposed).*

**8. DNRC Land Exchange in Bitterroot WMA near Sula – Endorsement. Mack Long, FWP Region 2 Supervisor**, explained that the land involved in this proposal is in the French Basin area near Sula, and involves 367 acres of privately owned land that separates the DNRC lands to the north from the DNRC lands to the south. The entire bottomland is winter range for elk, and if this land were to be sold and developed, it would cause a significant negative impact on elk and elk habitat, and on public access as well. This land exchange would consolidate FWP ownership on the Calf Creek and Three Mile WMAs.

The 367 acres, owned by the Wetzsteons, would be purchased with Habitat Montana money. There is a third party working with FWP who would secure this land through a purchase option in a shorter timeframe; there are other parties interested in acquiring this land. Once the purchase is secured, FWP would trade the land to DNRC in return for their inholdings within or adjacent to FWP's Calf Creek and Three Mile WMAs. In essence, FWP would trade the 367-acres (purchased from the Wetzsteons) to DNRC in exchange for inholdings on FWP game ranges in the Bitterroots. There are management benefits to both DNRC and FWP, in that it would group up DNRC land in the Sula State Forest, and would allow the inholdings within the two game ranges to become FWP property. The Calf Creek WMA involves an inholding of 160 acres, and the Three Mile WMA involves two inholdings, one of 80 acres and one of 640 acres. Appraisals will determine just how much land will be acquired. Long assured the Commission that it will be an exchange of equal value – a “dollar for dollar” trade. Long added that this is a “stand-alone” acquisition, however it would tie in nicely with other acquisitions under consideration. Long clarified that the proposal is to trade the 367 acres for the three parcels plus a portion of a section adjacent to the WMAs to equal the value.

Brenden asked for a ballpark figure on the 367 acres – Long said it would be approximately \$2500/acre or appraised value. Colton asked if the appraised value per acre for land within the game range is greater - Long said slightly higher, but in the same ballpark.

Mulligan said a number of WMAs contain inholdings. They are an ongoing risk to the wellbeing of wildlife management areas. Anytime a compatible exchange can be negotiated, it should be pursued.

*Action: Colton moved and Mulligan seconded the motion to endorse the proposed project of developing a land exchange between FWP and DNRC in the Sula and Bitterroot WMAs.*

Workman asked if the parcels have been logged recently. Long said it has been a number of years since they were logged. Workman said his only hesitation is his dislike on how DNRC directs logging. He feels land is destroyed. Mulligan said that's why it is a good thing not to have DNRC land within FWP's wildlife lands. Doherty questioned what the logging potential would be if the 367 acres is heavily used by wildlife, and has been burned over - is there anything left for them to log? Long indicated that the burned trees were salvaged as a part of forest management, but there are still some standing green timber; the ground will regenerate. Long added that legislature mandates that a certain number of board feet has to be harvested annually. Brenden said logging doesn't hurt anything if it is done properly. Mulligan said the land traded to DNRC may be appropriate to log.

Long said if this land is sold to private entities, it will create problems. The present owners have tolerated a lot of trespass; new owners might not be so tolerant. Development would fragment the land and be of no benefit to the elk.

**Jeanne Holmgren, DNRC**, said this land exchange with FWP will be a “stand alone” land exchange, even though it did come up in relation to an existing DNRC ongoing land exchange known as the Miller Land Exchange. She said there are issues and concerns associated with the loss of land for hunting and sportsmen’s use in that area. When FWP has lands that are not within game ranges, DNRC pursues those exchange opportunities to allow FWP to obtain the lands DNRC possesses within game ranges.

Holmgren said that DNRC manages Sula State Forest. The trees that were burned were salvaged, and those that were green were left untouched. DNRC is legislatively mandated to harvest a certain number of board feet of timber per year, therefore the lands they would be acquiring through this exchange would indeed be under consideration for the sustained yield associated with this mandate. She added that parcels in the Three Mile Game Range that were previously exchanged between DNRC and FWP did not have significant timber.

*Action on Motion: Motion carried. Four in favor – one opposed. (Brenden opposed).* Brenden noted that he was only in opposition because he feels the state already owns so much land.

**Background on the Miller Land Exchange:** Long said the Miller land exchange involves approximately 800 acres of land near Sula, MT which would be traded for 1,700 acres at Lincoln. Mr. Miller of the Shining Mountain Ranch purchased the land at Lincoln, MT, working cooperatively with DNRC and the Blackfoot. The land at Sula would become private, creating a slight loss of access to the public, however the Wetzsteon exchange would balance out the access issues. This exchange is connected to the Blackfoot Challenge Project that involves 88,000 acres. There would be a slight loss of access from this exchange in the Bitterroot, but a slight gain to the Lincoln area. Sportsmen and legislators from the Bitterroot area expressed concerns at the last two State Land Board meetings relative to value and access if the Miller land exchange is approved. The Land Board is waiting one more month to make a determination on the Miller land exchange.

**9. Selection of Regional Supervisors and Information Services Division Administrator.** **Chris Smith, FWP Chief of Staff**, announced that the selection committees had reached their decisions on the Region 4 and Region 5 Supervisor positions, and on the Information Services Division Administrator. He said the process was very difficult due to the strong qualifications of the candidates. Smith expressed appreciation to all of the applicants for their interest in the positions, and encouraged them to apply for future management positions. The successful candidates are as follows.

**Region 4 Supervisor, Great Falls – Gary Bertellotti.** Gary came to FWP eight years ago from Idaho where he had worked in a number of positions. As Fisheries Division Hatchery Bureau Chief, he has worked through a number of difficult issues. He takes over the position in March.

**Region 5 Supervisor, Billings – Gary Hammond.** Gary has been with FWP for many years. He began his FWP career in Glendive, moved to Dillon, then to Helena as Wildlife Management Bureau Chief. He will be going to Billings as soon as he can be transitioned.

**Information Services Division, Helena – Barney Benkelman.** Barney has been with FWP for twelve years, and prior to that he worked at the Department of Justice. He has headed up the Licensing Bureau and the Information Technology Bureau, and was heavily involved in the development of the automated license system. His appointment is effective immediately.

**10. Agency Budget and Legislative Priorities – Endorsement.** **Chris Smith, FWP Chief of Staff**, explained that Montana statute charges the Commission with reviewing and approving the Department's budget before submittal to the Governor's office and to the legislature. FWP coordinates with the Governor's Office of Budget and Program Planning (OBPP) on developing the budget a year in advance of the legislative session, which begins the Executive Planning Process (EPP). During late fall and early winter, FWP evaluates and updates the strategic plans and program directions responsible for resource management. Based on these evaluations, legislative and budget priorities are developed - these priorities are presented to the Commission in January. Between January and June, FWP staff develops detailed proposals that are submitted to the Commission in June for approval prior to submittal to OBPP.

**Sue Daly, FWP Chief of Finance**, briefed the Commissioners on the financial status of FWP. A *Budget Briefing* packet was provided to each Commissioner as well.

Daly explained that relative to the fee increase that was approved last session, the Governor's Office has directed that the fee increase must sustain the Department until the 2009 session, and at that time, they will work with FWP to transition from the widely spaced larger fee increases to shorter intervals with more modest increases.

FWP receives no general funds; all funds are generated from sportsmen user fees, and federal money. It has been indicated that it may be possible for FWP to request general fund money for some non-traditional activities not appropriately funded from licenses sales, such as Endangered Species and Watchable Wildlife programs. FWP plans to explore these possibilities.

Mulligan asked if the phasing off of federal money for wolf and grizzly bear management evolves from this. Daly said that at the federal level the present congressional delegation provides a great deal of support for those programs, however if those congressmen are not reelected, there may not be that support.

Smith said the budget priority document does not necessarily focus on the substitution of general funds for federal funds for those projects. The current federal funding FWP has for grizzly bears and wolves predominantly comes from pass-through funds from the USFWS. In prior years those funds were expended by Ed Bangs, who is now passing it to FWP, but if federal money gets tight or cut, that flow of money may be jeopardized. The other large portion of federal money FWP receives for those two programs are line-item appropriations that are entered into the budget by Senator Burns or Senator Baucus. As those programs mature, and the states become more reliant on state management of grizzly bears and wolves, FWP feels it appropriate to pursue a more secure mechanism for that federal cash flow than line item appropriations or pass through funding.

Daly explained that there are 40 state special revenue funds, and 10 federal special revenue funds that are legislature approved spending sources. Statute dictates how these funds can be spent, and most are earmarked for specific activities. By law, FWP must submit a balanced budget proposal, therefore it is important to know how much money is available in each account, and how that money can be spent.

Daly briefly outlined the fiscal status of the various accounts. The numbers are estimates drawn from the figures available now. As decisions are finalized, those numbers may change.

**General License Account.** This account funds all the hunting and fishing activities not covered by any of the earmarked sources. Due to the unknown impact of fee increases, revenue estimates are conservative. Various costs that are mandated for expenditure are such things as insurance, rent, the accounting system, overhead expenses, and pay plans that FWP has spending authority for but must fund from agency resources. Proposed legislation to assist the PERS Retirement fund in gaining solvency will be an expense, as are unexpected legislative bills for programs not proposed by FWP that do not include revenue sources. FWP requires a \$5 million minimum balance in the general licenses account just to keep bills paid.

**Parks Account.** This account involves four primary funding sources consisting of the \$4 light vehicle registration fee, which contributes approximately 60% to the budget, the coal tax trust interest, a portion of the state motorboat fuel tax, and a portion of the state's bed tax. Revenue from tours of Lewis & Clark Caverns, camping fees, concessions etc, also go into the earned revenue account. State parks cannot be funded from the general license account, and fishing access sites are funded from license revenues.

**Pittman-Robertson.** These federal wildlife restoration funds are generated from excise taxes on hunting equipment. The USFWS provides FWP with revenue estimates of what Montana's share of this fund will be. A detailed formula incorporating several factors is utilized to distribute the money nationwide. The federal funding cycle is different than Montana's process, so FWP manages this account to maintain an ending fund balance that provides a cushion to help absorb changes in the budget when federal revenue estimates change in mid-cycle of FWP's budget process. FWP is reimbursed after costs are incurred.

**Wallop-Breaux.** These federal sport fish restoration funds are generated from excise taxes on boats, angling equipment, and a portion of federal motorboat fuel taxes. This account is not as solvent as the Pittman-Robertson account as a result of federal legislation. The Reauthorization Bill of this program has struggled through Congress for several years, and its end result was to increase revenues to the states. But because it took so long to get through Congress, the revenue estimates that were provided to FWP by USFWS became artificially high because it was not approved in a timely manner. The cushion of funds, similar to that in the Pittman-Robertson account, was spent down in this account. FWP will manage this account with the funds available and rebuild the ending fund balance. There is no opportunity to provide federal matching funds with state money for fisheries until it is known how the reauthorization bill will affect the Department. The community fish pond monies come from this funding source. Projects that were approved will be honored if possible. The Big Springs Hatchery PCB cleanup dramatically affected the balance.

Daly then provided information on the capitol and division budgets, and detailed what the sources of revenue and expenses were. The capitol budget of \$30 million is for the two-year period, and of the earmarked \$6.7 million license dollars, \$5 million is for the block management program. Brenden interjected that only 60% of the \$5 million goes to block management, the rest goes into FWP for support and administration.

**Chris Smith, FWP Chief of Staff,** explained that FWP staff had reviewed and updated high-level strategic plans, and identified priority areas to make budget adjustments in. An outline was developed documenting elements, strategies, budget modifications, and related statutory changes required to accomplish the strategic goals.

Five elements were identified in the Fisheries Program - habitat, management, access, education, and law enforcement. Priorities involve securing in-stream flow, increasing inventory of populations, increasing attention on warm water species, increasing access, preventing introductions of illegal species, investigations of illegal outfitting and commercialized poaching, hatchery operations and maintenance, and funding the new Fort Peck Hatchery facility.

Brenden said if there is not enough money to fund the Fort Peck Hatchery, the Department should assess anyone who fishes, regardless of the species they fish for, the \$5 warm water stamp fee. Smith said the Department would be looking at various options to fund Fort Peck. Perhaps a funding-related statute that would benefit Fort Peck Hatchery could be proposed.

Mulligan expressed his concern that existing work will suffer if additional FTE are not included in the budget to accompany the additional projects. Fisheries personnel work closely with watershed groups and irrigators to keep water in the creeks; it is imperative that they keep in contact with these people, which is very time consuming. Smith concurred with this observation.

Mulligan questioned the proposed commercial use rules for FWP land and waters that are under consideration. He asked if statutory action would be required if the decision is made to start charging fees. He said the money generated from fees could be used for river recreation work. Smith said it would not take statutory action to establish fees for use of land as that authority is already delegated to the Commission. As staff works through the commercial use rules, appropriateness of any fee structure and what might be generated will be considered. If the Commission does decide to establish a fee structure, the Department would need to go to the legislature for authority to spend the money, and it might be possible to use it for those types of things.

Smith said five elements were identified in the Wildlife Program – habitat, management, access, education, and law enforcement. Priorities include increasing public access, managing deer and elk numbers, improving relations, maintaining and enhancing opportunities for hunting and observing wildlife, addressing species and habitats identified in the Comprehensive Fish & Wildlife Conservation Strategy, addressing urban wildlife issues, investigating organized criminal activities, and reducing reliance on congressional and federal funds.

Brenden suggested not charging fees for revenue when there are severe winters where deer are starving. Smith said FWP has the authority to modify fees for game damage hunts, but are there limitations in the statutes that would restrict the Department from reducing fees during such circumstances.

Mulligan asked if FWP has authority to set a waiting period on mountain lion. **Bob Lane, FWP Legal Counsel**, said the Department needs statutory authority to set a waiting period. Mulligan wants to see that a waiting period be established as many public comments are requesting a 3-5 year waiting period on harvesting a mountain lion.

Workman said FWP needs more money for law enforcement. There is a tremendous amount of poaching in the Seeley Lake area. He said it is mind boggling. Yesterday there was a large “bust” in the Alberton area. A few poachers are caught, how many are not being caught? The public wants more enforcement without question.



Doherty said he has received several comments from constituents that say they cannot hunt due to limited access. He would like to find out how much private land is leased out in Montana, and what can the Department do to work with landowners to keep them from leasing their land out, or not enrolling in block management. Maybe landowners are tired of hunters asking for permission at all times of the day and night. Perhaps if more could be paid to the landowners, they would be more willing to allow access. Colton said many landowners who have good relationships with the local wardens are in block management for the relationship sake; not necessarily for the money. Brenden said some comments suggest landowners be paid more money to allow access, and he questioned whether some of the earmarked dollars could be used to pay landowners to encourage access. Smith said Access Montana focuses on working with private landowners to obtain access across their lands. Mulligan asked if the statute is working to accomplish what it is supposed to. If FWP needs to go back to legislature to get help with, whether it is more money, or revised language, then that should be done.

Mulligan said some of the roads that were closed by federal agencies for elk security are no longer needed, and in some cases access is needed. He said most hunters will not walk in 5 miles to kill a cow elk. Mulligan stated that FWP needs to establish an initiative with the other agencies to identify roads that were initially closed for elk security, and that now need to be opened up again, at least for the time necessary to harvest the elk.

Six elements were identified in the Parks and Recreation Program – parks, community grants, trails, water-based recreation, education and safety, and law enforcement. Priorities include expanding state parks in northeastern Montana, improving visitor services, enhancing safety, enhancing resource and visitor protection, expanding facilities maintenance, improving trail systems, and converting abandoned railroad right-of-ways into trails.

Colton would like to see FWP develop recreational water parks for paddlers and kayakers in urban areas where the Department has access. FWP has some urban parks, and with a little work, opportunities could be created.

Agency Management – encompasses the administration of the agency and its personnel and fiscal resources, licensing of resource users, data management, administration of lands, design and construction of Department facilities, and flight support to the agency. Priorities include transitioning from large fee increases to more frequent lesser increases, centralizing information technology services, improving the efficiency of processing special licenses, increasing fuel efficiency of the agency vehicle fleet, improving public serve, and improving property security statewide.

Mulligan asked if the survey component needed any financial help, to which Smith replied that funding has been added for surveying.

Workman asked how the online application process was working. Smith replied that one problem that had been encountered was in cross-referencing the FWP database with the Department of Justice Driver Licensing Bureau. As problems are identified they will be addressed.

Doherty asked that the Commission be provided updates as information is accumulated between now and June. He would also like to see what was approved last year.

Doherty asked if there are any legislative priorities to enhance enforcement efforts. He questioned how FWP handles persons who make unintentional mistakes as opposed to those who intentionally devise ways to manipulate the system to gain financial profit through organized criminal activities. Does the complicated licensing system provide opportunities for criminal activities?

Hagener said it has been difficult to keep wardens full-time on the ground due to vacancy savings demands. There were six vacant warden positions open this season due to vacancy savings. In the rural areas, most people know where the wardens are and where they are not. Presence is imperative. Criminal activities occur in these districts because those folks know there is no enforcement in the area. It is one thing to ask for more FTEs, but funds must be available to actually put them on the ground. Hagener said that the Highway Patrol was successful last year in obtaining from the legislature an exemption from the vacancy savings requirement for law enforcement so they can have their positions staffed year around. This same request for exemption to the vacancy savings requirement is under consideration by FWP for game warden positions. Montana has an average of 1.2 wardens per county. It is critical to have those wardens on the ground for presence.

Mulligan asked if it would be possible to establish legislation to assess a surcharge for the criminal ring operations where they pay an automatic amount (i.e. \$10,000 per person involved) if it is a proven poaching ring. He questioned if the fees received from the courts are enough to pay for the costs of the prosecution of the poachers. Anyone caught should more than pay for what it costs to process the case.

**Jim Kropp, FWP Enforcement Division Administrator**, said relative to fines and penalties, the only money that FWP receives is a portion of the restitution, and that is split between the Enforcement and Communication & Education Divisions. The restitution money is capped at \$60,000 – the rest goes to the state general fund. In many major investigations, FWP works closely with the federal fish and wildlife agencies in Montana. The federal courts are recognizing the high costs of these investigations, and are ordering the defendants to pay the state, predominantly FWP, the cost of the investigations as well as restitution. On most major felony cases, regional investigators must go out of state to track down defendants who steal wildlife from Montana. Tracking those people down is very expensive to the Department, and demands a great share of the investigators' time. It is important to get the message out to criminals that "if you come to Montana and poach, we will come to your back yard and hunt you down". Montanans are left "holding the bag" in that they live here and provide the resources for those people from out of state who come to Montana to commit crimes.

Kropp stated that game wardens are components to access issues. In the past, wardens had time to work with landowners, but as duties have increased, less time is available to spend with them. When Block Management first began, wardens signed up the cooperators based upon their working relationships with the landowners. Some of that continues today, but not to the extent it did before. He said there are 70 field game wardens in Montana to cover 56 counties when fully staffed. FWP has not been fully staffed for quite some time. It would make a huge difference to have all positions filled and wardens on the ground. One reason for the regional investigator program was to dedicate people to the long-term investigations so the field wardens could spend time on the ground and be visible.

Mulligan asked if the \$60,000 restitution cap could be changed, and asked what could be done statutorily to assure the big time offenders fully repay to FWP the entire cost it took to apprehend them, plus penalties. He cannot see why legislators would not support that concept. Kropp said even recovering the expenses related to investigations of those people convicted of wildlife felonies would greatly help.

*Action: Mulligan moved and Workman seconded the motion to approve the proposed priorities as amended through discussion as the basis for developing budget and legislative proposals for the 2007 legislative session. Motion carried.*

**11. Public Opportunity to Address Issues Not Discussed at this Meeting.**

Marvin Mace, Helena, said drawing a permit in HD380 is like winning the lottery, however, some hunters get permits year after year, and that is not fair. The opportunity should be available to other sportsmen as well. He asked that the Commission establish a waiting period for drawing permits as is done with moose, sheep and goats. He has garnered a great deal of public support for a waiting period for elk in HD380.

Jay Bodner, Montana Stockgrowers Association, noted that Steve West is their organization's new Vice-President. He said they are concerned about FWP's five-week proposal regarding deer and elk hunting. He had heard from one livestock producer that season extensions worked for him. Others are concerned that avenues for addressing population issues are being restricted. Bodner asked for assurance that the FWP regional meetings are viable and that comments are listened to. Doherty assured him that this was the case.

Mulligan said he has concerns relative to the 5-week season. The outlined game damage process was to be drafted by this meeting and has not yet been done. Caryn Amacher, Wildlife Division, said the draft will be provided by the February Commission meeting, to which Mulligan replied that is not soon enough. He wants to be comfortable when he makes a decision in February. Colton agreed, saying he doesn't know how they can vote on a 5-week season, when they don't know what the process will be. Brenden concurred. Mulligan supports the 5-week concept, but said game damage seasons are necessary to mitigate problems.

*Action: Brenden moved and Workman seconded the motion to adjourn. Motion carried.*

Meeting adjourned at 12:26 p.m.

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Steve Doherty, Chairman

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M. Jeff Hagener, Director